

Calendar No. 224

105TH CONGRESS
1ST Session

S. 813

A BILL

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

OCTOBER 23, 1997
Reported with an amendment

Calendar No. 224

105TH CONGRESS
1ST SESSION

S. 813

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

IN THE SENATE OF THE UNITED STATES

MAY 23, 1997

Mr. THURMOND (for himself, Mr. MCCAIN, Mr. INOUE, Mr. INHOFE, and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 9, 1997

Committee discharged; referred to the Committee on the Judiciary

OCTOBER 23, 1997

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Cemetery
3 Protection Act of 1997”.

4 **SEC. 2. VANDALISM AT NATIONAL CEMETERIES.**

5 (a) IN GENERAL.—Chapter 91 of title 18, United
6 States Code, is amended by adding at the end the follow-
7 ing:

8 **“§ 1865. Vandalism and theft at national cemeteries**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘national cemetery’ means any
11 cemetery—

12 “(A) in the National Cemetery System es-
13 tablished under section 2400 of title 38; or

14 “(B) under the jurisdiction of the Sec-
15 retary of the Army, the Secretary of the Navy,
16 the Secretary of the Air Force, or the Secretary
17 of the Interior; and

18 “(2) the term ‘value’ means face value, par
19 value, market value, or cost price, either wholesale
20 or retail, whichever is greater.

21 “(b) PENALTIES FOR VANDALISM.—Whoever will-
22 fully injures or commits any depredation against any prop-
23 erty of a national cemetery, or attempts to do so—

24 “(1) if the damage or attempted damage to the
25 property exceeds \$1,000, shall be imprisoned not

1 more than 10 years, fined under this title, or both;
 2 and

3 “(2) if the damage or attempted damage to the
 4 property does not exceed \$1,000, shall be imprisoned
 5 not more than 10 years, fined under this title, or
 6 both.

7 “(c) PENALTIES FOR THEFT.—

8 “(1) IN GENERAL.—Whoever—

9 “(A) steals or knowingly converts to his or
 10 her use or the use of another any property of
 11 a national cemetery;

12 “(B) without authority, sells, conveys, or
 13 disposes of any property of a national cemetery;
 14 or

15 “(C) receives, conceals, or retains any
 16 property of a national cemetery with the intent
 17 to convert that property to his or her use or
 18 gain, knowing that property to have been stolen
 19 or converted;

20 shall be punished as provided in paragraph (2).

21 “(2) PENALTIES.—A person who violates para-
 22 graph (1)—

23 “(A) in the case of property with an esti-
 24 mated value that exceeds \$1,000, shall be im-

1 prisoned not more than 15 years, fined under
2 this title, or both; and

3 “~~(B) in the case of property with an esti-~~
4 mated value that does not exceed \$1,000, shall
5 be imprisoned not more than 1 year, fined
6 under this title, or both.”.

7 (b) ~~CLERICAL AMENDMENT.~~—The analysis for chap-
8 ter 91 of title 18, United States Code, is amended by in-
9 serting after the item relating to section 1864 the follow-
10 ing:

“1865. Vandalism and theft at national cemeteries.”.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Veterans’ Cemetery Pro-*
13 *tection Act of 1997”.*

14 **SEC. 2. SENTENCING FOR OFFENSES AGAINST PROPERTY**
15 **AT NATIONAL CEMETERIES.**

16 (a) *IN GENERAL.*—Pursuant to its authority under
17 section 994 of title 28, United States Code, the United
18 States Sentencing Commission shall review and amend the
19 Federal sentencing guidelines to provide a sentencing en-
20 hancement of not less than 2 levels for any offense against
21 the property of a national cemetery.

22 (b) *COMMISSION DUTIES.*—In carrying out subsection
23 (a), the Sentencing Commission shall ensure that the sen-
24 tences, guidelines, and policy statements for offenders con-
25 victed of an offense described in that subsection are—

1 (1) *appropriately severe; and*

2 (2) *reasonably consistent with other relevant di-*
3 *rectives and with other Federal sentencing guidelines.*

4 (c) *DEFINITION OF NATIONAL CEMETERY.—In this*
5 *section, the term “national cemetery” means a cemetery—*

6 (1) *in the National Cemetery System established*
7 *under section 2400 of title 38, United States Code; or*

8 (2) *under the jurisdiction of the Secretary of the*
9 *Army, the Secretary of the Navy, the Secretary of the*
10 *Air Force, or the Secretary of the Interior.*